

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

[PROPOSED] ORDER ON DEFENDANT'S FIRST AMENDED MOTION TO DISMISS

Upon consideration of Defendant's First Amended Motion to Dismiss for Lack of Subject-Matter Jurisdiction and Motion to Dismiss for Failure to State a Claim upon which Relief May Be Granted and all Memoranda of Law filed in support and opposition thereto; the Court is of the opinion that such Motion should be DENIED.

SIGNED on _____, 20____:

Chief Judge Ricardo H. Hinojosa, U.S. District Court